

REMARKS

By the foregoing amendments claim 2 has been cancelled and claims 1, 8, 9, 10, 17 and 20 have been amended. Thus, with entry of the amendments claims 1, 4, 6-18 and 20-25, 28 and 29 remain in the application.

Claims 1, 6, 10 and 12 were rejected in the outstanding Office Action under 35 U.S.C. § 102(b) as being anticipated by Laborda, U.S. 1,731,052 as stated on page 2 of the Office Action.

Claims 1, 2, 6 and 12 have been rejected under 35 U.S.C. §102(b) as being anticipated by the newly cited patent to Baringer, U.S. 3,075,611, as stated on page 2 of the Office Action.

Claims 1, 2, 6, 7, 8 and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ho, U.S. 4,828,072 as stated on page 2 of the Office Action.

Claims 4 and 14-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ho in view of Bennett, U.S. 2,647,675. The references are combined for the reasons and in the manner set forth on page 3 of the Office Action.

Claims 6-8, 11, 17, 28 and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ho in view of either Freeman, U.S. 5,927,440, or the newly cited patent to Maubach, et al., U.S. 4,467,889. The references are combined for the reasons and in the manner set forth on page 4 of the Office Action.

Claim 18 stands rejected under 35 U.S.C. § 103 as being unpatentable over Ho in view of either Freeman or Maubach, et al. as applied to claim 17, and further in view of the newly cited patent to Forbes, U.S. 2,736,526, as stated on page 4 of the Office Action.

Claims 20-25 are rejected in the outstanding Office Action under 35 U.S.C. § 103(a) as being unpatentable over Ho in view of Schwörer, U.S. 5,000,287, as stated on pages 4 and 5 of the Office Action.

These rejections are hereby traversed and reconsideration thereof is respectfully requested in view of the above amendments to the claims and the remarks set forth below.

By the above amendments the arrangement for the ascent and/or descent of the present invention as recited in claim 1 has been amended to include the limitations of cancelled claim 2 reciting that the at least one guide component and/or the force-transmitting component is formed by at least one rack-like or grid-like longitudinal guide. The claim has also been amended to recite only one longitudinally rail-like profile and that the profile is to be firmly fixed at the object to the ascended/descended. The arrangement of the invention is also specific with respect to the ascent and/or descent of one or a plurality of persons on an object of great height such as a high-voltage pole, a tall building, a cableway mast, a silo, a building wall or a shaft wall. There is support in the application specification, see for examples pages 2, 3, 19 and 20 of the substitute specification. Claim 1 has been further amended to recite that the two climbing consoles are arranged at the one rail-like profile and that a personal safety device is provided on the climbing aid. Independent method claims 17 and 20 have been amended to include similar limitations. The claims as amended are believed to patentably define over the cited references.

The patent to Laborda from 1929 discloses a climbing device which includes two climbing consoles, which are arranged at a column like profile.

As stated on page 1, the left hand column of the specification, lines 5-15, the disclosed climbing device is especially suitable for commercial establishments in place of the usual store ladders to enable reaching and removing articles stored upon the higher shelves. However, the device is only suitable to climb up a few meters but certainly is not suitable to climb up e.g., at high-voltage pylons or cableway mast, etc. for which the arrangement of the present invention is adapted. Further, the column like profile of Laborda certainly cannot be designated as a rail-like profile and furthermore, the climbing with the two consoles is only possible due to a counterweight, 40, and system of pulleys 42, 45 and flexible cables 41, 46 interconnecting the climbing consoles/members 12, the counterweight being arranged inside of the column like profile 5, see Figure 5, for example.

Laborda does not disclose a climbing device wherein the at least one guide component and/or the force-transmitting component is formed by at least one rack-like or grid-like longitudinal guide as in the present invention as recited in claim 1 as amended. The arrangement of the present invention is also one wherein the rail-like profile is firmly fixed at the object to be ascended/descended. This is an important point of the present invention, as it enables use of different kinds of climbing consoles. In contrast, in Laborda, the two climbing consoles are connected by way of the counterweight within the column. This is an arrangement which does not lend itself to ascending/descending an object of great height such as a high-voltage pole, or to the use of a plurality of different kinds of climbing consoles like those described in Applicants specification. In view of the above amendments to

the claims, it is respectfully submitted that claim 1 as amended is not anticipated, 35 U.S.C. § 102, by Laborda.

The patent to Baringer discloses a rungless ladder which can be used e.g. in a sales store, a library, storage house, etc. In contrast to the present invention as recited in claim 1 as amended, there are two so-called uprights 10 and 11, which might be considered as being profiles. Between these two uprights a climbing device is arranged, which is held during the climbing procedure by forcing the two side elements of the device toward the rack-like profile. The profiles in Baringer are not firmly arranged at the object to be mounted and Baringer employs two profiles. In contrast, the present invention employs two climbing consoles arranged at one rail-like profile firmly fixed at the object to be ascended/descended. The rungless ladder of Baringer is different from the improved arrangement of the present invention. Baringer does not anticipate the present invention under 35 U.S.C. § 102.

The patent to Ho discloses a high rise building fire escape/fire fighting and building maintenance system. As noted in the remarks in the Amendment filed January 15, 2010, in the system of Ho, an occupant 15 is carried on a slider 14 in a lift-like manner down a column 12 on the exterior of a building. The system does not comprise two climbing consoles but only has one so called "slider" with which a mechanical or manual mounting as disclosed and claimed by Applicants is definitely not possible. Ho does not anticipate the present invention as recited in claims as amended under 35 U.S.C. § 102.

The secondary references to Bennett and Freeman relied upon in combination with Ho in the rejection of dependent claims as referred to above,

do not provide for the deficiencies of Ho. Bennett discloses a fire rescue apparatus comprising a single rescue vehicle 14 movable on an I-beam 11 built into the wall 10 of a building. Bennett does not relate to an apparatus having two climbing consoles, to enable a manual or mechanical mounting along a rail-like profile, e.g. at a high-voltage pylon as in the present invention.

Freeman discloses a mobile hoist system and method comprising a single platform lift 15 which moves up and down on a rack 18 affixed to a pole 20. The reference teaches away from the use of an arrangement wherein two climbing consoles of a climbing aid are mounted on a single rail-like profile as in the present invention. The mobile lift system of Freeman is remote from the present invention.

Likewise, the newly cited secondary references to Maubach and Forbes and the previously cited patent to Schwörer do not provide for the deficiencies of Ho. Maubach et al. discloses a ladder-guided service elevator having a centrifugal brake 18. However, the reference does not relate to an arrangement wherein two climbing consoles are arranged at one rail-like profile in the manner disclosed and claimed by Applicants in the claims as amended.

Forbes discloses a lifting device for lifting heavy objects. The device is specifically designed for lifting steel bars and placing them on saw tables of steel cribs. The device is freestanding and not one which is to be firmly fixed at the object to be ascended/descended as in the present invention. Forbes does not provide a personal safety device in a climbing aid formed by two climbing consoles arranged at one rail-like profile as in the present invention.

Schworer discloses a displaceable platform moveable sectionwise on a wall. The reference does not teach a climbing aid with two climbing consoles as in the present invention.

In view of the disparate teachings of the numerous references, and the above amendments to the claims and the remarks, it is respectfully submitted that the claims as amended patentably define over the cited references under 35 U.S.C. § 102 and 103. Accordingly, reconsideration and allowance of the amended claims is requested.

A Petition for Extension of Time is filed herewith to permit the timely filing of this Amendment.

Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (Case No. 635.45828X00) and please credit any excess fees to such deposit account.

Respectfully submitted,

/Ronald J. Shore/

Ronald J. Shore

Registration No. 28,577

ANTONELLI, TERRY, STOUT & KRAUS, LLP

RJS/kmh